

SENATE BILL No. 313

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-16.8.

Synopsis: Law enforcement run fees in Marion County. Provides that the legislative body of Marion County or of a city or town classified as an excluded city in Marion County may adopt an ordinance authorizing a law enforcement run fee to be collected within the unit. Specifies that the legislative body determines the amount of the fee, which may not exceed \$100 for each time the fee is imposed. Provides that if such a fee is authorized, the department of code enforcement of the consolidated city or the department of the excluded city that is responsible for enforcing municipal ordinances (department) may impose the fee on the owner of property if: (1) a law enforcement officer of the unit is dispatched to the property on at least five separate days within a year to investigate an alleged occurrence of criminal activity on the property; and (2) after each of the investigations, a police report is filed substantiating the occurrence of criminal activity on the property. Provides that fees collected by a unit shall be distributed to the unit's law enforcement agency. Provides that if a fee remains unpaid for more than 30 days after it is billed to the property owner, the department may certify the delinquency to the county auditor for placement on the tax duplicate for the property as a special assessment. Specifies that the total amount, including accrued interest, is collected in the same manner as property taxes are collected.

Effective: July 1, 2014.

Young R Michael

January 14, 2014, read first time and referred to Committee on Local Government.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 313

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-16.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]:

4 **Chapter 16.8. Law Enforcement Run Fee**

5 **Sec. 1. This chapter applies only in Marion County.**

6 **Sec. 2. As used in this chapter, "department" means:**

7 (1) the department of code enforcement of the consolidated
8 city (in the case of a fee authorized under section 4(a)(1) of
9 this chapter); or

10 (2) the department of the excluded city that is responsible for
11 enforcing municipal ordinances (in the case of a fee
12 authorized under section 4(a)(2) of this chapter).

13 **Sec. 3. As used in this chapter, "fee" means a law enforcement**
14 **run fee authorized under this chapter.**

15 **Sec. 4. (a) Any of the following may adopt an ordinance**
16 **authorizing a law enforcement run fee to be collected as provided**



in this chapter:

(1) The county legislative body.

(2) The legislative body of a city or town classified under IC 36-3-1-7 as an excluded city.

(b) The legislative body shall by ordinance determine the amount of the fee that may be imposed under this chapter. However, the amount of the fee may not exceed one hundred dollars (\$100) for each time the fee is imposed under this chapter.

Sec. 5. If a fee is authorized by the legislative body of a unit under section 4 of this chapter, the department may impose the fee on the owner of property within the unit as follows in the case of multiple law enforcement runs to the property during a year:

(1) If:

(A) any law enforcement officer of the unit (including law enforcement officers with either the sheriff's department or the metropolitan police department, in the case of a fee authorized under section 4(a)(1) of this chapter) is dispatched to the property on at least five (5) separate days within a year to investigate an alleged occurrence of criminal activity on the property; and

(B) after each of the investigations described in clause (A), a report is filed substantiating the occurrence of criminal activity on the property;

the unit's department may impose a fee and collect the fee from the owner of the property.

(2) A separate fee may be imposed as provided in subdivision (1):

(A) after any law enforcement officer of the unit has been dispatched to the property on five (5) separate days within a year; and

(B) for each subsequent day a law enforcement officer of the unit is dispatched to the property within the same year.

Sec. 6. (a) A fee collected under this chapter shall be:

(1) deposited by the unit in a dedicated account or fund; and

(2) distributed by the fiscal officer of the unit to the law enforcement agency of the unit not more than sixty (60) days after the fee is collected.

(b) A fee distributed to a law enforcement agency of a unit under this chapter may be used for any lawful purpose of the law enforcement agency, after appropriation by the fiscal body of the unit.

Sec. 7. (a) If all or any part of a fee imposed under this chapter



1 remains unpaid for more than thirty (30) days after it is billed to
2 the property owner, the department imposing the fee may certify
3 the following information to the county auditor:

4 (1) The name of the property owner on whom the fee has been
5 imposed.

6 (2) The address or description of the property to which the
7 law enforcement officers were dispatched.

8 (3) The amount of the fee.

9 (b) The county auditor shall place the total amount certified
10 under subsection (a) on the tax duplicate for the property as a
11 special assessment. The total amount, including accrued interest,
12 shall be collected in the same manner as property taxes are
13 collected.

14 (c) An amount collected under subsection (b), after all other
15 taxes have been collected and disbursed, shall be disbursed to the
16 fiscal officer of the unit that imposed the fee, for deposit in the
17 dedicated account or fund described in section 6 of this chapter.

18 Sec. 8. A fee imposed and collected under this chapter by a unit
19 is in addition to any other fees imposed and collected by the unit.

